

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

Allstate Insurance Company;
Allstate Fire and Casualty Insurance
Company; and Allstate Property and
Casualty Insurance Company,

Plaintiffs,

v.

Southeast Michigan
Surgical Hospital, LLC, et al.,

Defendants.

Case No.: 2:22-cv-11684

District Judge: Stephen J. Murphy, III
Magistrate Judge: Elizabeth A. Stafford

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**DEFENDANT SOUTHEAST MICHIGAN SURGICAL HOSPITAL, LLC'S
ANSWER TO PLAINTIFF'S COMPLAINT [ECF NO. 1]**

NOW COMES Defendant Southeast Michigan Surgical Hospital, LLC ("Defendant SMSH"), by and its attorneys, CHAPMAN LAW GROUP, and for its Answer to Plaintiff's Complaint, states as follows:

I. INTRODUCTION

1. Defendant denies for the reasons that the allegation is not true, leaving Plaintiffs to their proofs.
2. Defendant denies for the reasons that the allegation is not true, leaving Plaintiffs to their proofs.
3. Defendant denies for the reasons that the allegation is not true, leaving Plaintiffs to their proofs.
4. Defendant admits this is what the Complaint alleges.
5. Defendant denies for the reasons that the allegation is not true, leaving Plaintiffs to their proofs.

II. THE PARTIES

A. PLAINTIFFS

6. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
7. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
8. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

B. DEFENDANTS

1. Southeast Michigan Surgical Hospital, LLC

9. Defendant admits.
10. Defendant admits.
11. Defendant admits.
12. Defendant admits.
13. Defendant admits.
14. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.
15. Defendant admits.
16. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

2. J. Alan Robertson, M.D., P.C.

17. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

18. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

19. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

20. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

3. Martin Quiroga, P.C.

21. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

22. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

23. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

24. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

25. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

4. Comprehensive Neuromonitoring, LLC

26. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

27. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

28. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

29. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

30. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

5. J. Alan Robertson, M.D.

31. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

32. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

6. Martin Quiroga, D.O.

33. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

34. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

7. Sidney Broder, M.D.

35. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

36. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

III. JURISDICTION AND VENUE

37. Defendant admits to the extent that this is a correct statement of the law.

38. Defendant admits to the extent that Plaintiffs have alleged an amount in controversy that exceeds \$75,000. Defendant denies the remainder of the paragraph for the reason that the allegations are untrue, leaving Plaintiffs to their proofs.

39. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

40. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

IV. BACKGROUND ON THE DEFENDANTS AND THEIR SCHEME

41. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

42. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

43. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

44. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

45. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

46. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

47. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

48. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

49. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

50. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

51. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

52. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

53. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

54. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

55. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

56. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

57. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

58. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

59. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

60. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

61. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

62. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

63. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

64. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

65. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

66. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

67. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

68. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

69. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

70. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

71. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

72. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

73. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

74. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

75. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

76. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

77. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

78. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

79. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

80. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

81. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

82. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

83. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

84. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

85. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

86. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

87. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

88. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

V. BILLING FOR SERVICES NOT RENDERED

89. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

90. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

91. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

92. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

A. BILLING FOR SERVICES NOT RENDERED BY SE MI HOSPITAL

93. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

94. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

95. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

96. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

97. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

98. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

99. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

100. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

101. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

102. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

103. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

104. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

105. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

B. BILLING FOR SERVICES NOT RENDERED BY PHYSICIANS

106. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

107. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

108. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

109. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

110. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

111. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

112. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

113. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

114. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

115. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

116. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

117. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

C. BILLING FOR SERVICES NOT RENDERED BY COMPREHENSIVE NEUROMONITORING

118. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

119. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
120. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
121. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
122. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
123. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
124. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
125. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
126. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
127. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
128. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

129. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
130. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
131. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
132. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
133. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
134. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
135. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
136. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
137. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
138. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

139. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

140. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

D. SPECIFIC EXAMPLES OF BILLING FOR SERVICES NOT RENDERED

141. Defendant denies for the reason that the allegation, including Subparagraphs a – 1, is not true, leaving Plaintiffs to their proofs.

142. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

VI. MULTIPLE BILLING FOR IDENTICAL SERVICES

143. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

A. MULTIPLE BILLING FOR PROCEDURES

1. Multiple Billing by SE MI Hospital

144. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

145. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

146. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

147. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

148. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

149. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

150. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

151. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

152. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

153. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

154. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

155. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

156. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

157. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

158. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

159. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

160. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

161. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

162. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

163. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

164. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

2. Multiple Billing by Physicians

165. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

166. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
167. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
168. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
169. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
170. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
171. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
172. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
173. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
174. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
175. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

176. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
177. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
178. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
179. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
180. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
181. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
182. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
183. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
184. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
185. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

186. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

187. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

3. Multiple Billing for IONM

188. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

189. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

190. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

191. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

192. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

193. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

194. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

B. SPECIFIC EXAMPLES OF MULTIPLE BILLING

195. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

a. Defendant does not possess sufficient information to answer the allegation.

If an answer is required, then Defendant denies.

b. Defendant does not possess sufficient information to answer the allegation.

If an answer is required, then Defendant denies.

c. Defendant does not possess sufficient information to answer the allegation.

If an answer is required, then Defendant denies.

d. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

e. Defendant does not possess sufficient information to answer the allegation.

If an answer is required, then Defendant denies.

VII. UNREASONABLE AND UNNECESSARY FRAUDULENT TREATMENT

196. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

197. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

198. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

199. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

200. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

201. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

202. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

203. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

A. MEDICALLY UNNECESSARY SURGERIES

204. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

205. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

206. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

207. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

208. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

209. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

210. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

211. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

212. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

213. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

214. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

215. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

216. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

217. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

218. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

219. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

220. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

221. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

222. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

223. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

224. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

225. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

1. Medically Unnecessary MUA

226. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

227. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

228. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

229. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

230. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

231. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

232. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

233. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

234. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

235. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

236. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

237. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

238. Defendant denies for the reason that the allegation, including Subsections a – c, is not true, leaving Plaintiffs to their proofs.

2. Medically Unnecessary IONM

239. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

240. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

241. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

242. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

243. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

244. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

245. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

246. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

247. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

248. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

249. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

250. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

251. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

252. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

253. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

254. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

255. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

256. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

257. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

3. Unnecessary Use of Assistant Surgeons

258. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

259. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

260. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

261. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

262. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

263. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

264. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

265. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

266. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

267. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

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275. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

276. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

277. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

278. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

B. MEDICALLY UNNECESSARY INJECTIONS

279. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

280. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

281. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

282. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

283. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

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288. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

289. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

290. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

291. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

292. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

293. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

294. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

295. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

296. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

297. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

298. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

299. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

300. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

301. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

302. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

303. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

304. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

305. Defendant denies for the reason that the allegations are not true, leaving Plaintiffs to their proofs. As to Subparagraphs a through b, Defendant is without sufficient information to formulate a response.

VIII. FRAUDULENT BILLING

306. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

307. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

308. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

309. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

310. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

311. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

A. FRAUDULENT FACILITY FEE BILLING

312. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

313. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

314. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

315. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

316. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

317. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

318. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

319. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

320. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

321. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

322. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

323. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

B. FRAUDULENTLY UPCODED OFFICE VISITS

324. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

325. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

326. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

327. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

328. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

329. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

330. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

331. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.
332. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.
333. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
334. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
335. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
336. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
337. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
338. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
339. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
340. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

341. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
342. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
343. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
344. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
345. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
346. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
347. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
348. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
349. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.
350. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

351. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

352. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

353. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

354. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

C. FRAUDULENT USE OF CPT CODE MODIFIERS

355. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

356. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

357. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

358. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

359. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

360. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

361. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

362. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

D. IMPROPER BILLING DURING GLOBAL POST-SURGERY PERIODS

363. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

364. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

365. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

366. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

367. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

368. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

369. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

370. Defendant denies for the reason that the allegations are not true, leaving Plaintiffs to their proofs. As to Subparagraphs a through b, Defendant is without sufficient information to formulate a response.

371. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

372. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

IX. EXCESSIVE AND UNREASONABLE CHARGES

373. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

A. EXCESSIVE AND UNREASONABLE CHARGES FOR PROCEDURES

374. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

375. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

376. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

377. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

378. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

379. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

380. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

381. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

382. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

383. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

384. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

385. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

386. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

387. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

388. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

389. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

390. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

391. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

X. MISREPRESENTATIONS MADE BY THE DEFENDANTS AND RELIED UPON BY ALLSTATE

A. MISREPRESENTATIONS BY THE DEFENDANTS

392. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

393. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

394. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

395. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

396. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

a. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

b. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

c. Defendant does not possess sufficient information to answer the allegation.
If an answer is required, then Defendant denies.

d. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

e. Defendant does not possess sufficient information to answer the allegation.
If an answer is required, then Defendant denies.

f. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

g. Defendant does not possess sufficient information to answer the allegation.
If an answer is required, then Defendant denies.

h. Defendant does not possess sufficient information to answer the allegation.
If an answer is required, then Defendant denies.

i. Defendant does not possess sufficient information to answer the allegation.
If an answer is required, then Defendant denies.

j. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

k. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

l. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

397. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

398. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

399. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

400. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

401. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

402. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

403. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

404. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

405. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

B. ALLSTATE'S JUSTIFIABLE RELIANCE

406. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

407. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

408. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

409. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

410. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

411. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

412. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

413. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

XI. MAIL AND WIRE FRAUD RACKETEERING ACTIVITY

414. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

415. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

416. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

417. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

418. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

419. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

420. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

421. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

422. The allegation calls for a legal conclusion for which no answer is required. If an answer is required, Defendant denies the same.

423. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

424. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

425. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

426. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

427. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

428. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

429. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

430. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

431. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

432. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

433. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

434. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

435. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

XII. DAMAGES

436. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

437. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

438. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

439. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

440. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

441. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

442. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

443. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

444. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

XIII. CAUSES OF ACTION

COUNT I

VIOLATION OF 18 U.S.C. § 1962(c)

(SE MI Hospital Enterprise)

Against J. Alan Robertson, M.D., P.C., Martin Quiroga, P.C., Comprehensive Neuromonitoring, LLC, J. Alan Robertson, M.D., Martin Quiroga, D.O., and Sidney Broder, M.D.

445. Defendant SMSH hereby restates and realleges its answers to the allegations contained in Paragraphs 1 through 444 as though fully set forth herein.

446. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

447. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

448. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

449. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

450. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

451. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

452. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

453. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

454. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

455. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

COUNT II
VIOLATION OF 18 U.S.C. § 1962(d)
(SE MI Hospital Enterprise)

Against J. Alan Robertson, M.D., P.C., Martin Quiroga, P.C., Comprehensive Neuromonitoring, LLC, J. Alan Robertson, M.D., Martin Quiroga, D.O., and Sidney Broder, M.D.

456. Defendant SMSH hereby restates and realleges its answers to the allegations contained in Paragraphs 1 through 455 as though fully set forth herein.

457. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

458. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

459. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

460. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

461. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

462. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

463. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

COUNT III
VIOLATION OF 18 U.S.C. § 1962(c)
(Robertson, P.C. Enterprise)
Against Southeast Michigan Surgical Hospital, LLC, Comprehensive
Neuromonitoring, LLC, J. Alan Robertson, M.D., and Sidney Broder, M.D.

464. Defendant SMSH hereby restates and realleges its answers to the allegations contained in Paragraphs 1 through 463 as though fully set forth herein.

465. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

466. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

467. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

468. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

469. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

470. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

471. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

472. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

473. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

474. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

COUNT IV
VIOLATION OF 18 U.S.C. § 1962(d)
(Robertson, P.C. Enterprise)

**Against Southeast Michigan Surgical Hospital, LLC, Comprehensive
Neuromonitoring, LLC, J. Alan Robertson, M.D., and Sidney Broder, M.D.**

475. Defendant SMSH hereby restates and realleges its answers to the allegations contained in Paragraphs 1 through 474 as though fully set forth herein.

476. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

477. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

478. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

479. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

480. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

481. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

482. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

COUNT V
VIOLATION OF 18 U.S.C. § 1962(c)
(Quiroga, P.C. Enterprise)
Against Southeast Michigan Surgical Hospital, LLC, and Martin Quiroga,
D.O.

483. Defendant SMSH hereby restates and realleges its answers to the allegations contained in Paragraphs 1 through 482 as though fully set forth herein.

484. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

485. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

486. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

487. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

488. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

489. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

490. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

491. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

492. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

COUNT VI
VIOLATION OF 18 U.S.C. § 1962(d)
(Quiroga, P.C. Enterprise)
Against Southeast Michigan Surgical Hospital, LLC, and Martin Quiroga,
D.O.

493. Defendant SMSH hereby restates and realleges its answers to the allegations contained in Paragraphs 1 through 492 as though fully set forth herein.

494. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

495. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

496. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

497. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

498. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

499. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

500. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

COUNT VII
VIOLATION OF 18 U.S.C. § 1962(c)
(Comprehensive Neuromonitoring Enterprise)
Against Southeast Michigan Surgical Hospital, LLC, J. Alan Robertson, M.D.,
P.C. J. Alan Robertson, M.D. and Sidney Broder, M.D.

501. Defendant SMSH hereby restates and realleges its answers to the allegations contained in Paragraphs 1 through 500 as though fully set forth herein.

502. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

503. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

504. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

505. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

506. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

507. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

508. Defendant does not possess sufficient information to answer the allegation. If an answer is required, then Defendant denies.

509. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

510. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

511. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

COUNT VIII
VIOLATION OF 18 U.S.C. § 1962(d)
(Comprehensive Neuromonitoring Enterprise)
Against Southeast Michigan Surgical Hospital, LLC, J. Alan Robertson, M.D.,
P.C. J. Alan Robertson, M.D. and Sidney Broder, M.D.

512. Defendant SMSH hereby restates and realleges its answers to the allegations contained in Paragraphs 1 through 511 as though fully set forth herein.

513. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

514. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

515. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

516. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

517. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

518. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

519. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

COUNT IX
COMMON LAW FRAUD
Against All Defendants

520. Defendant SMSH hereby restates and realleges its answers to the allegations contained in Paragraphs 1 through 519 as though fully set forth herein.

521. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

522. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

523. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

524. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

525. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

526. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

527. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

COUNT X
CIVIL CONSPIRACY
Against All Defendants

528. Defendant SMSH hereby restates and realleges its answers to the allegations contained in Paragraphs 1 through 527 as though fully set forth herein.

529. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

530. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

531. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

532. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

533. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

534. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

535. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

536. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

COUNT XI
PAYMENT UNDER MISTAKE OF FACT
Against Southeast Michigan Surgical Hospital, LLC, J. Alan Robertson, M.D.,
P.C., Martin Quiroga, P.C., and Comprehensive Neuromonitoring, LLC

537. Defendant SMSH hereby restates and realleges its answers to the allegations contained in Paragraphs 1 through 536 as though fully set forth herein.

538. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

539. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

540. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

541. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

542. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

COUNT XII
UNJUST ENRICHMENT
Against All Defendants

543. Defendant SMSH hereby restates and realleges its answers to the allegations contained in Paragraphs 1 through 542 as though fully set forth herein.

544. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

545. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

546. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

547. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

548. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

COUNT XIII
DECLARATORY RELIEF PURSUANT TO 28 U.S.C. § 2201
Against All Defendants

549. Defendant SMSH hereby restates and realleges its answers to the allegations contained in Paragraphs 1 through 548 as though fully set forth herein.

550. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

551. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

552. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

553. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

554. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

555. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

556. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

557. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

558. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

559. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

560. Defendant denies for the reason that the allegation is not true, leaving Plaintiffs to their proofs.

XIV. DEMAND FOR RELIEF

WHEREFORE, Defendant respectfully requests that the Court dismiss this cause of action in its entirety, together with an award of costs and fees to Defendant.

COUNT I **VIOLATION OF 18 U.S.C. § 1962(c)** **(SE MI Hospital Enterprise)**

Against J. Alan Robertson, M.D., P.C., Martin Quiroga, P.C., Comprehensive Neuromonitoring, LLC, J. Alan Robertson, M.D., Marin Quiroga, D.O., and Sidney Broder, M.D.

WHEREFORE, Defendant respectfully requests that the Court dismiss this cause of action in its entirety, together with an award of costs and fees to Defendant.

COUNT II **VIOLATION OF 18 U.S.C. § 1962(d)** **(SE MI Hospital Enterprise)**

Against J. Alan Robertson, M.D., P.C., Martin Quiroga, P.C., Comprehensive Neuromonitoring, LLC, J. Alan Robertson, M.D., Marin Quiroga, D.O., and Sidney Broder, M.D.

WHEREFORE, Defendant respectfully requests that the Court dismiss this cause of action in its entirety, together with an award of costs and fees to Defendant.

COUNT III **VIOLATION OF 18 U.S.C. § 1962(c)** **(Robertson, P.C. Enterprise)**

Against Southeast Michigan Surgical Hospital, LLC, Comprehensive

Neuromonitoring, LLC, J. Alan Robertson, M.D., and Sidney Broder, M.D.

WHEREFORE, Defendant respectfully requests that the Court dismiss this cause of action in its entirety, together with an award of costs and fees to Defendant.

COUNT IV
VIOLATION OF 18 U.S.C. § 1962(d)
(Robertson, P.C. Enterprise)

**Against Southeast Michigan Surgical Hospital, LLC, Comprehensive
Neuromonitoring, LLC, J. Alan Robertson, M.D., and Sidney Broder, M.D.**

WHEREFORE, Defendant respectfully requests that the Court dismiss this cause of action in its entirety, together with an award of costs and fees to Defendant.

COUNT V
VIOLATION OF 18 U.S.C. § 1962(c)
(Quiroga, P.C. Enterprise)

**Against Southeast Michigan Surgical Hospital, LLC and Martin Quiroga,
D.O.**

WHEREFORE, Defendant respectfully requests that the Court dismiss this cause of action in its entirety, together with an award of costs and fees to Defendant.

COUNT VI
VIOLATION OF 18 U.S.C. § 1962(d)
(Quiroga, P.C. Enterprise)

**Against Southeast Michigan Surgical Hospital, LLC and Martin Quiroga,
D.O.**

WHEREFORE, Defendant respectfully requests that the Court dismiss this cause of action in its entirety, together with an award of costs and fees to Defendant.

COUNT VII
VIOLATION OF 18 U.S.C. § 1962(c)
(Comprehensive Neuromonitoring Enterprise)
Against Southeast Michigan Surgical Hospital, LLC, J. Alan Robertson, M.D.,

P.C., J. Alan Robertson, M.D., and Sidney Broder, M.D.

WHEREFORE, Defendant respectfully requests that the Court dismiss this cause of action in its entirety, together with an award of costs and fees to Defendant.

COUNT VIII
VIOLATION OF 18 U.S.C. § 1962(d)
(Comprehensive Neuromonitoring Enterprise)
Against Southeast Michigan Surgical Hospital, LLC, J. Alan Robertson, M.D.,
P.C., J. Alan Robertson, M.D., and Sidney Broder, M.D.

WHEREFORE, Defendant respectfully requests that the Court dismiss this cause of action in its entirety, together with an award of costs and fees to Defendant.

COUNT IX
COMMON LAW FRAUD
Against all Defendants

WHEREFORE, Defendant respectfully requests that the Court dismiss this cause of action in its entirety, together with an award of costs and fees to Defendant.

COUNT X
CIVIL CONSPIRACY
Against all Defendants

WHEREFORE, Defendant respectfully requests that the Court dismiss this cause of action in its entirety, together with an award of costs and fees to Defendant.

COUNT XI
PAYMENT UNDER MISTAKE OF FACT
Against Southeast Michigan Surgical Hospital, LLC, J. Alan Robertson, M.D.,
P.C., Martin Quiroga, P.C., and Comprehensive Neuromonitoring, LLC

WHEREFORE, Defendant respectfully requests that the Court dismiss this cause of action in its entirety, together with an award of costs and fees to Defendant.

COUNT XII
UNJUST ENRICHMENT
Against all Defendants

WHEREFORE, Defendant respectfully requests that the Court dismiss this cause of action in its entirety, together with an award of costs and fees to Defendant.

COUNT XIII
DECLARATORY RELIEF PURSUANT TO 28 U.S.C. § 2201
Against all Defendants

WHEREFORE, Defendant respectfully requests that the Court dismiss this cause of action in its entirety, together with an award of costs and fees to Defendant.

Respectfully submitted,
CHAPMAN LAW GROUP

Dated: June 30, 2023

/s/John Cardello
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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

Allstate Insurance Company;
Allstate Fire and Casualty Insurance
Company; and Allstate Property and
Casualty Insurance Company,

Plaintiffs,

v.

Southeast Michigan
Surgical Hospital, LLC, et al.,

Defendants.

Case No.: 2:22-cv-11684

District Judge: Stephen J. Murphy, III
Magistrate Judge: Elizabeth A. Stafford

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**DEFENDANT SOUTHEAST MICHIGAN SURGICAL HOSPITAL, LLC'S
RELIANCE ON PLAINTIFF'S DEMAND FOR JURY TRIAL**

Defendant Southeast Michigan Surgical Hospital, LLC hereby enters their reliance on Plaintiffs' demand for trial by jury on all matters before the Court to the extent allowed by law and request a trial by jury to resolve all claims and issues associated with this action. Defendant further states that if at any time prior to trial of this matter, Plaintiffs rescind, reject, revoke, or fail to file a Jury Demand, Defendant will request a jury be the trier of fact.

Respectfully submitted,
CHAPMAN LAW GROUP

Dated: June 30, 2023

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**IN THE UNITED STATES DISTRICT COURT
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Allstate Insurance Company;
Allstate Fire and Casualty Insurance
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DEFENDANT SOUTHEAST MICHIGAN SURGICAL HOSPITAL, LLC'S
AFFIRMATIVE DEFENSES

1. Plaintiffs fail to state a claim upon which relief can be granted.
2. Plaintiffs fail to state a claim as a matter of law.
3. Plaintiffs' claims are barred by the applicable statutes of limitations.
4. Plaintiffs' claims are barred by the applicable doctrines of release, waiver, estoppel, accord and satisfaction, and/or laches.
5. Plaintiffs' claims are barred by the provisions of the Michigan No-Fault Act.
6. Plaintiffs' claims are barred by the non-joinder of parties under Fed. R. Civ. P. 19.
7. Plaintiffs' claims are barred in whole or in part by Plaintiffs' comparative fault.
8. Plaintiffs' claims are moot as they have been paid.
9. Due to their conduct, Plaintiffs have waived and/or is estopped from seeking payment for relief.
10. Due to their conduct, Plaintiffs are estopped from making the allegations complained of.
11. Due to their conduct, Plaintiffs have waived any rights they assert in the Complaint.

12. Plaintiffs have unclean hands in attempting to generate more profits by not paying their insureds despite collecting their premium, and in attempting to discourage providers in providing reasonable and necessary treatment to their patients.
13. Plaintiffs have failed to mitigate their damages.
14. Plaintiffs' damages, if any, are the result of Plaintiffs' wrongful conduct.
15. Defendant specifically reserves the right to add any other Affirmative and/or Special Defenses as may become known or discovered in the course of subsequent investigation or discovery.

Respectfully submitted,
CHAPMAN LAW GROUP

Dated: June 30, 2023

/s/John Cardello
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PROOF OF SERVICE

I hereby certify that on June 30, 2023 I presented the foregoing paper to the Clerk of the Court for filing and uploading to the ECF system, which will send notification of such filing to the attorneys of record listed herein and I hereby certify that I have mailed by US Postal Service the document to the involved nonparticipants.

/s/ John Cardello

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